

**CRIME PREVENTION AND CORRECTIONS
DIVISION 1. BOARD OF CORRECTIONS
CHAPTER 1. BOARD OF CORRECTIONS
SUBCHAPTER 1.
STANDARDS AND TRAINING OF LOCAL CORRECTIONS AND PROBATION OFFICERS**

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Article 1. General Provisions

100. Introduction.

The purpose of these regulations is to implement and make specific Chapter 1148 of the Statutes of 1979 (SB 924) as codified in Sections 6035-6043 of the Penal Code. These provisions are contained in Articles 2 and 3 of Chapter 5 of Title 7 of Part 3 of the Penal Code entitled "Standards and Training of Local Corrections and Probation Officers" and "Corrections Training Fund."

Under the provisions of Article 3, a county or city may apply to the State Board of Corrections, hereafter referred to as the Board, for funds for training of eligible adult corrections officers, juvenile corrections officers, and probation officers to improve the level of competence of such staff. Such application and approval is governed by these regulations, policies and procedures established by the Board, subject to the availability of funds.

Funds for this program are appropriated by the Legislature from the Corrections Training Fund that is derived from a percentage designated by law of the penalty assessments on bail forfeitures and fines levied by the courts.

It is the intent of the Board that each county and city has maximum flexibility in assessing and meeting its selection and training needs consistent with the intent of the legislation and proper accountability of public funds.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code. HISTORY:

1. New Subchapter 1, Articles 1-9 (Sections 100-358, not consecutive) filed 7-1-80 as an emergency; effective upon filing (Register 80, No.27). For prior history, see Registers 76, No. 41 and 26, No.2. A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 10-29-80.
2. Certificate of Compliance filed 12-1-80 (Register 80, No. 49).
3. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No.22).
4. Amendment of second, third and fourth paragraphs filed 7-1-96; operative 7-31-96 (Register 96, No.27)

101. Objectives.

The objective of the program of standards and training of local corrections and probation officers is to raise the level of competence of such officers. This objective is carried out by:

- (a) Establishing minimum standards for selection and training of adult and juvenile corrections officers, and probation officers, and
- (b) Allocating available funds to local correctional institutions, local juvenile institutions, and local probation departments of a county or city which formally agrees to adhere to the standards and requirements established by the Board.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
2. Amendment if subsection (b) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

102. Definitions.

- (a) " College" is a community college, college or university accredited as such by:
 - (1) The Department of Education of the state in which the community college, college or university is located, or
 - (2) The recognized national accrediting body, or
 - (3) The state university in the state in which the community college, college or university is located, or

- (4) The state agency authorized by the state's legislature to accredit post-secondary education for vocational colleges.
- (b) "Administrator" means the top levels of administration of a department and includes the following types of positions:
 - (1) County Sheriff
 - (2) Undersheriff/Assistant Sheriff
 - (3) Chief Deputy or Commander in charge of multi-detention facilities
 - (4) County Probation Officer
 - (5) Assistant County Probation Officer
 - (6) County Director of Corrections
 - (7) Assistant Director of Corrections
 - (8) Chief of Police
 - (9) Assistant Chief of Police
- (c) "Application" means the document prepared by a county or city by which it requests funds to provide training for adult corrections officers, juvenile corrections officers, and/or probation officers pursuant to the Standards and Training of Local Corrections and Probation Officers Program. The application includes the training plan.
- (d) "Board" means the State Board of Corrections, a unit of the Youth and Adult Correctional Agency.
- (e) "Certified Course" is a formal program of instruction approved by the Board for training of corrections and probation officers.
- (f) "Department" means a probation department, sheriff's department, county correctional agency, or city police department established pursuant to applicable charter, statute and/or ordinance.
- (g) "Department Head" means the county probation officer, county sheriff, chief administrative officer of a county correctional agency, or chief of police.
- (h) "Detention Facility Manager" is a position in charge of an adult or juvenile detention facility. Included are titles such as director, superintendent, correctional lieutenant, captain, and commander.
- (i) "Eligible staff" means those persons who meet all of the following criteria for full or limited participation.
 - (1) Full participation:

Are employed full time or as regular part time employees provided that at least 51% of their working hours are in a local detention facility, probation department, or correctional services agency, and have as a primary duty the responsibility for custody and/or for correcting the behavior of adult and/or juvenile offenders under local jurisdictions. This is defined to include custodial positions such as corrections officer or administrative or staff positions that coordinate training or are responsible for administrative oversight. Training for employees in staff or administrative positions is to be appropriate and essential to improve their competence in the area of the standards and training of local corrections and probation officers' program operations, or is designed to maintain competency in an STC eligible job classification held by the employee before assignment to the staff or administrative position. The determination to include such administrative or staff positions is to be made by the department head.
 - (2) Limited participation:

Are employed full-time by a law enforcement agency and have as one of their duties the responsibility for the custody and/or supervision of adult or juvenile offenders, but work in that capacity less than 51% of their time and have not completed the entry-level core course as specified in Section 1020, Title 15.
- (j) "Encumbered funds" means funds reserved by a county by means of a legal obligation such as a contract, purchase order, or other commitment to expend the funds.
- (k) "Entry Adult Corrections Officer" is a position in which the incumbent has not fully complied with Section 131 (a) (1 through 7) of these regulations nor has completed one year continuous employment in an adult detention facility which is preparatory to advancement to the journey level adult corrections officer. Incumbents learn procedures and techniques of custody, supervision and counseling of inmates.

- (l) "Entry Juvenile Corrections Officer" is a position in which the incumbent has not fully complied with Section 131 (a) (1 through 7) of these regulations nor has completed one-year continuous employment in a juvenile institution which is preparatory to the journey level corrections officer. Incumbents learn the procedures and techniques of custody, supervision, and counseling of juvenile offenders.
- (m) "Entry Probation Officer" is a position in which the incumbent has not fully complied with Section 131 (a) (1 through 7) of these regulations nor has completed one-year continuous employment in a probation department which is preparatory to advancement to the journey level deputy probation officer. Incumbents learn to perform complex investigations and casework supervision.
- (n) "Job classification category" means those types of classifications assigned in a juvenile facility, adult detention facility, or probation department which are eligible for funding under the act, e.g., entry probation officer, journey juvenile corrections officer, supervising corrections officer, probation manager, etc.
- (o) "Journey Adult Corrections Officer" is a position in an adult detention facility which, with minimal supervision, performs the full range of custody, supervision, and counseling of inmates and have complied with Section 131 of these regulations. Incumbents may also have lead responsibility.
- (p) "Journey Juvenile Corrections Officer" is a position in a juvenile institution which, with minimal supervision, performs the full range of custody, supervision, and counseling of juvenile offenders and has complied with Section 131 of these regulations. Incumbents may also have lead responsibility.
- (q) "Journey Probation Officer" is a position in a probation department which performs the full range of juvenile and/or adult case investigation, supervision, or probation programs and has complied with Section 131 of these regulations.
- (r) "Manager" means those middle management classifications above the first supervisory level and below the assistant department head level. Typical titles include juvenile institution manager, detention facility manager, lieutenant, division director, and probation manager.
- (s) "Supervisor" is a position that plans, assigns, and reviews the work of a group of entry/journey juvenile corrections officer, local corrections or probation officers. This is the first supervisory level; Typical titles include supervising probation officer I, sergeant, supervising juvenile corrections; officer and supervising corrections officer. Incumbents may also function in a staff capacity.
- (t) "Training Plan" is a plan that includes an assessment of a department's training needs, the number of eligible staff, the types of courses to be completed, and a training schedule for the fiscal year. This training plan is included as part of the county's application.
- (u) "Training Provider" means a college, department, person, or organization authorized by the Board to conduct certified courses.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036 (d), Penal Code.

HISTORY:

1. Certificate of Compliance including amendment of subsections (b) (3), (i)(1)-(i)(3), (n), (t), (u) and new subsection (aa) filed 12-1-80 (Register 80, No.49).
2. Amendment of subsection (i) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

103. Technical Assistance and Consultation.

The Board shall provide technical assistance and consultation to the counties, cities, and providers upon request or in response to changing conditions and local needs in the continuing operations, development, and implementation of the Standards and Training for Corrections Program.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
2. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

104. Waiver.

- (a) Within statutory limits, the Board may grant a waiver from any standards or program requirements for good and sufficient reason. Such a waiver may be granted only upon written application from the local department seeking the waiver.
- (b) A county or city shall not take action on the requested waiver until receipt of the Board's written approval.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

- 1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
- 2. Amendment of subsection (b) filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
- 3. Amendment of section heading and section filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

106. Severability.

If any article, section, subsection, sentence, clause, or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Board, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of those regulations.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY: Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

Article 2. Minimum Standards for Selection

130. Purpose of Article.

The purpose of this article is to set forth the minimum selection standards, which will ~~assure and/or increase~~ raise the level of competence of persons selected for entry probation officer positions, entry juvenile corrections officer positions, and entry adult corrections officer positions.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

- 1. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).

131. Minimum Selection Standards.

- (a) In addition to the requirements set forth in Section 830 et seq. of the Penal Code and Section 1029 et seq. of the Government Code, the standards set forth below shall apply. These standards, which apply to the city, county, or city and county agency as a result of its application to the Board of Corrections under Penal Code Section 6041, for entry probation officer positions, entry juvenile corrections officer positions, and entry adult corrections officer positions shall include but not be limited to the following:
 - (1) Basic abilities and other characteristics important for successful job performance as demonstrated by passing the Board's written examination. An alternative examination may be substituted pursuant to ~~Section 132~~ 131(c).
 - (2) Competence in oral communication as demonstrated in an interview.
 - (3) Past behavior compatible to job requirements as demonstrated by a background investigation.
 - (4) Competence in the knowledge, skills and abilities necessary for entry-level job performance, as demonstrated by successful completion of the required core training curriculum.
 - (5) Competence in the performance of entry-level duties as demonstrated by successful completion of the probationary period.
 - (6) The ability to perform the essential job functions Possession of the skills and abilities of for the position as demonstrated by meeting the Board's current guidelines for Vision, Hearing, and Medical Screening.
 - (7) A minimum of 18 years of age prior to appointment.

- (b) The level of competence in (a)(2) and (a)(3) above shall be commensurate with the needs of the individual job classifications of each county or city. The level of competence in (a) (1) above and (c) below shall be commensurate to the cutoff score that is chosen by the county or city and is consistent with research validation.
- (c) Those agencies choosing an alternative selection examination should:
 - (1) ensure the examination measures the knowledge, skills, abilities and other characteristics identified by the Board as necessary for successful job performance;
 - (2) have validated that the examination measures the knowledge, skills, abilities and other personal characteristics; and,
 - (3) verified that the examination meets the fairness doctrines of the Federal Uniform Guidelines for Selection Procedures.
- (d) If an individual fails to satisfy the minimum selection standards, the employing city, county, or city and county, should consider whether it is obligated under the applicable statutes and/or regulations to provide a reasonable accommodation for that individual. The employing city, county, or city and county needs to comply with all pertinent federal and state employment laws in determining its obligation to provide a reasonable accommodation.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49)
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

132. Counties and Cities With Existing Alternative Selection Standards.

- (a) Counties and cities maintaining standards that meet or exceed the minimum selection standards shall be deemed to be in compliance with the minimum standards. ~~Those agencies choosing an alternative selection examination must:~~
 - ~~(1) ensure the examination measures the knowledge, skills, abilities and other personal characteristics identified by the Board as necessary for successful job performance.~~
 - ~~(2) have validated that the examination tests for the knowledge, skills, abilities and other personal characteristics.~~
 - ~~(3) verified that the examination meets the fairness doctrines of the Federal Uniform Guidelines for Selection Procedures, and~~
 - ~~(4) have established a cutoff score within a range that is consistent with their validation research study.~~
- (b) Each county and city is encouraged to maintain or improve standards that exceed the minimum selection standards consistent with the goal of increased competency.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
2. Amendment of subsections (a) (1)-(2) and (b) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

133. Effective Term of Selection Standards.

The selection standards described in Section 131 shall remain in effect until modified by the Board. The Board may modify the selection standards consistent with future job analyses data collection, revalidation research, and selection procedure development.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

Article 3. Minimum Standards for Training

169. Purpose of Article.

The purpose of this article is to set forth the courses and the hours which are the minimum training standards. These courses are to be established in a manner to provide maximum flexibility for instruction and encourage the use of varied instructional methods.

NOTE: AUTHORITY CITED: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including new section filed 12-1-80 (Register 80, No. 49).
2. Amendment filed 5-7-82: effective thirtieth day thereafter (Register 82, No. 19).

171. Training Courses.

There are 7 training courses in the program as follows:

- (a) Probation Officer Core Course.
- (b) Juvenile Corrections Officer Core Course.
- (c) Adult Corrections Officer Core Course.
- (d) Adult Corrections Officer Basic Academy Supplemental Core Course.
- (e) Supervisor Core Course.
- (f) Manager/Administrator Core Course.
- (g) Annual Training Courses.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

172. Training Required.

The training requirements set forth in these regulations are mandatory for all eligible staff employed by participating county and city departments and are in addition to any other training required by law.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment of subsection (b) filed 12-1-80 (Register 80, No. 49).
2. Amendment of subsection (a) filed 5-7-82; effective thirtieth day thereafter. (Register 82 No. 19)
3. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22)
4. Repealer of subsection (a) designator, amendment of former subsection (a) and repealer of subsection (b) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

173. Probation Officer Core Course.

In addition to a course in basic CPR, the probation officer core course consists of a minimum of ~~474~~ 170 hours of instruction in specific performance/instructional objectives. Entry-level staff must successfully complete these course objectives as demonstrated by a satisfactory level of proficiency on relevant achievement tests. Entry-level core training shall be completed in the first year of employment.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

Note: The proposed new language is underlined. The existing language to be changed is ~~struck-out~~.

176. Juvenile Corrections Officer Core Course.

In addition to a basic course in First Aid and CPR, the juvenile corrections officer core course consists of a minimum of ~~434~~ 128 hours of instruction in specific performance/instructional objectives. Entry-level

staff must successfully complete these course objectives as demonstrated by a satisfactory level of proficiency on relevant achievement tests. Entry-level core training shall be completed in the first year of employment.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

Note: The proposed new language is underlined. The existing language to be changed is ~~struck out~~.

179. Adult Corrections Officer Core Course.

In addition to completion of a basic course in First Aid and CPR, the adult corrections officer core course consists of a minimum of 176 hours of instruction in specific performance/instructional objectives. Entry-level staff must successfully complete these course objectives as demonstrated by a satisfactory level of proficiency on relevant achievement tests. Entry-level core training shall be completed in the first year of employment.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code

Note: The proposed new language is underlined.

180. Adult Corrections Officer ~~Basic Academy~~ Supplemental Core Course

The Adult Corrections Officer ~~Basic Academy~~ Supplemental Core Course consists of a minimum of 56 hours of instruction in specific performance/instructional objectives. It is for the corrections officer who has completed the POST Basic Academy Course for peace officers. Entry-level staff must successfully complete these course objectives as demonstrated by a satisfactory level of proficiency on relevant achievement tests, within the first year of employment.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Repealer and new section filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

181. Supervisor Core Course.

(a) The supervisor core course consists of a minimum of 80 hours of instruction to be completed during the first year of employment as a supervisor. Typical titles include supervising adult corrections officer, supervising probation officer, or supervising juvenile corrections officer, as defined in these regulations.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49)
2. Amendment filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

182. Manager/Administrator Core Course.

- (a) The manager/administrator core course consists of a minimum of 80 hours of instruction in general management/administration subjects. This course shall be completed by an employee during the first year of assignment as a manager or administrator, as defined in these regulations.

- (b) The Board may allow credit under its criteria for comparable courses previously completed.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment of subsection (d) filed 12-1-80 (register 80, No. 49).
2. Repealer of subsection (d) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment of section heading and subsection (c) filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment of subsection (a), repealer of subsection (b) and subsection renumbering, and amendment of newly designated subsection (b) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

184. Annual Required Training.

- (a) Each full participation eligible staff member shall complete annual training, during any year he/she is not participating in a core course, as identified in Section 171 of these regulations.
 - (1) Journey probation officer - 40 hours.
 - (2) Journey juvenile corrections officer - 24 hours.
 - (3) Journey adult corrections officer - 24 hours.
 - (4) Probation supervisor - 40 hours.
 - (5) Supervising juvenile corrections officer- 40 hours.
 - (6) Supervising adult corrections officer - 24 hours.
 - (7) Manager - 40 hours.
 - (8) Administrator - 40 hours.
- (b) Annual training is designed to provide updating and refresher instruction. Flexibility is permitted in course content and method of instruction in order to meet changing conditions and local needs.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including new subsection (c) filed 12-1-80 (Register 80, No. 49)
2. Repealer of subsection (c) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment of subsection (a) filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment of subsections (a) and (b) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

185. Deadline for Compliance.

All counties and cities participating in this program shall be in full compliance with the standards and requirements set forth in these regulations no later than June 30 of each year.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including new section filed 12-1-80 (Register 80, No. 49).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).

Article 5. Certification of Training Courses

230. Purpose

The purpose of this article is to set forth the requirements and criteria for certification and delivery of courses.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49)
2. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

231. Certification of Courses.

- (a) The Board may certify courses based upon criteria and procedures established by the Board.

- (b) Criteria for certification include, but are not limited to:
- (1) A demonstrated need for the course.
 - (2) Demonstrated capability to provide quality instruction based on qualifications of instructors, instructional performance objectives, curriculum standards, and facilities.
 - (3) The cost of providing the instruction as related to the benefits.
 - (4) The extent to which eligible staff from any participating county or city may attend the course.
 - (5) The frequency of which the instruction can be provided in relation to the need.
 - (6) The ability to provide the instruction within the State of California.
 - (7) Adherence to fiscal policies and procedures as established by the Board.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment of subsections (b)(2) and (b)(4) filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
2. Repealer of subsection (c) 7-1-96; operative 7-31-96 (Register 96, No. 27).

232. Application for Certification of Course.

- (a) A training provider shall apply for certification of each course according to procedures established by the Board.
- (b) Such application for certification shall be for all or part of the training requirements as determined by the Board.
- (c) The application shall include but not be limited to a synopsis statement of the course, a course outline giving hours of instruction in each topic, performance objectives and standards of achievement, length of course, instruction methodology, instructor experience and education, and costs associated with delivery.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment of subsection (a) filed 12-1-80 (Register 80, No. 49).
2. Amendment of subsection (b) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment of subsection (b) filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment of subsections (a)-(c) and repealer of subsection (d) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

233. Regular Certification, Provisional Certification and Revocation.

- (a) A regular certification of a course is valid for one year after issuance by the Board unless revoked by the Board.
- (b) Certification of a course may be revoked by the Board, under the guidelines set forth by the Board when:
 - (1) There is no longer a demonstrated need for the course; or
 - (2) Evaluation indicates that an acceptable quality of instruction is not being provided; or
 - (3) There is failure to comply with the criteria set forth in these regulations.
- (c) In lieu of regular certification, the Board may instead certify the course on a provisional basis under the guidelines set forth by the Board.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Amendment of subsection (b) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment of section heading and subsection (b) (2) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

234. Attendance Determined by Counties and Cities.

Participation in any certified course is determined by each county's or city's training needs. Certification of a course by the Board does not carry the assurance or implication of minimum attendance.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).

235. Auditing of Courses.

The Board may at any time audit a training course to assist in the determination of whether the objectives and qualitative aspects of the course are being met and that it is being presented as certified.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

Article 6. Certificates of Completion of Training

260. Purpose of Article.

The purpose of this article is to set forth the criteria under which the Board of Corrections may issue certificates of completion of training and to provide a means for recognizing special training completed by eligible staff.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).

261. Certificates of Completion of Training.

- (a) The Board of Corrections may ~~grant~~ require a certificate of completion upon completion of each of the following courses:
 - (1) Probation Officer Core Course.
 - (2) Juvenile Corrections Officer Core Course.
 - (3) Adult Corrections Officer Core Course.
 - (4) Adult Corrections Officer Supplemental Core Course.
 - (5) Supervisor Core Course.
 - (6) Manager/Administrator Core Course.
 - (7) Annual Required Training Courses.
- (b) ~~Upon successful completion of a certified course by eligible staff, the training provider may issue a certificate of completion to such staff. Each certificate of completion issued pursuant to~~ Subdivision (a) shall include:
- (c) ~~(1) The name of the training provider. shall notify the Board in writing of the following:~~
 - (2) The signature of the training provider;
 - (1) (3) The name, title, and organization of the ~~eligible~~ staff who completed the training;
 - (2) (4) The name of the course, number of certified hours, and the date of completion;
 - (3) (5) A statement Documentation that the specific requirements of the course were fully met by each person. Was successfully completed by the trainee;
 - (6) The Board of Corrections course certification number;
 - (4) (7) Other information as may be required by the Board of Corrections.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment of subsections (a) and (b) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19)
2. Amendment of subsection (a) filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).

3. Amendment of subsection (a)(6), repealer of subsection (a)(7) and subsection renumbering, and amendment of newly designated subsection (a)(7) and subsection (c) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

262. Specialized Course Completion Certificates.

- (a) The Board of Corrections may grant course completion certificates in recognition of specialized training under procedures established by the Board.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code

263. Revocation of Certificate.

The Board of Corrections may revoke a certificate of completion if it was issued through administrative error, or was obtained through misrepresentation or fraud.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

Article 7. Administration of Funds

290. Purpose of Article.

This article sets forth the policies governing application for and administration of funds disbursed to participating counties and cities.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Amendment filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).

291. Adherence to Standards.

- (a) As provided in Section 6035 of the Penal Code, a county or city department that is receiving subvention under this program shall adhere to the standards for selection and training established by the Board. No allocation of funds shall be made to any county or city department that is not adhering to ~~these regulations, policies and procedures~~ the guidelines established by the Board
- (b) A county or city, which, despite good faith efforts in the administration of its program, is unable to fully meet the requirements set forth in these regulations, may apply for a waiver under Section 104 of these regulations.
- (c) In the event that the state subvention is less than declared for the fiscal year, the Board may relieve a county or city from its responsibility to fully implement its training plan(s).

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, 6041, 6042, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Repealer of subsection (d) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

292. Exclusion of "POST" Subvented Courses.

As provided in Section 6043 of the Penal Code, jurisdictions employing peace officer personnel which are eligible for training subventions pursuant to Section 13500 et seq. of the Penal Code (Peace Officer Standards and Training) (POST) are not eligible to receive subventions under this program except that peace officers assigned full time to correctional duties may participate in training and their jurisdictions receive subventions under this program, provided that the same training for the same individuals is not also reimbursed under the POST program.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6043, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).

293. Use of Funds for Matching Grant Funding.

A county or city may use funds allocated by the Board under this program for purposes of matching grant funds for purposes of selection or training which are consistent with this chapter provided that such funding arrangements are not prohibited by the granting agency.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including renumbering of Section 293 to Section 294 and new section filed 12-1-80 (Register 80, No. 49).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).

295. Application.

- (a) The application, which includes the training plan for each department participating in the program, shall be submitted by the county or city in the manner prescribed by the guidelines established by the Board.
- (b) The initial application shall be accompanied by a certified copy of an ordinance adopted by the governing body providing that, while receiving any state aid the city, county, or city and county will adhere to the standards for selection and training established by the Board.
- (c) The application shall include but not be limited to:
 - (1) A certification that the county or city ordinance is in effect and that the city, county, or city and county will adhere to the standards for selection and training established by the Board.
 - (2) A certification that the department(s) will not use state subvention from this program to pay for costs of training, if funding is received from any other state source to pay for the same costs.
 - (3) A training plan in the format prescribed by the Board, which includes the following:
 - (A) The total number of staff, ~~by department and job classification category~~, who are eligible for full or limited participation in the program.
 - (B) The number of eligible staff, ~~by department and job classification category~~, who are scheduled for training during the fiscal year.
 - (C) ~~A training schedule, by each quarter, for the entire fiscal year setting forth an estimate of the total number of hours staff will be scheduled to attend courses. The minimum number of training hours planned for each staff~~
 - (D) ~~The estimated expenditure schedule of state subvention to provide the training, by each quarter, and the total for the fiscal year. The total amount of state subvention being requested for purposes of training eligible staff for the entire fiscal year.~~

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6041, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Amendment filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment of subsection (b)(3) filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

296. Date for Submission of Application.

A county or city shall submit an application and training plan for participation in the program no later than April 15, of each calendar year, to be effective for the following fiscal year starting July 1.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6041, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

297. Approval of Application.

The Board shall review and approve the application and training plan submitted by a county or city provided the standards and requirements contained in these regulations and the application guidelines are met. The amount of subvention approved shall not exceed the amount available to the county or city as calculated under Section 298 of these regulations.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6041, Penal Code.

HISTORY:

1. Amendment filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

298. Calculation of Available Funds.

- (a) Funds to be available for allocation to counties and cities shall be determined by the Board and based on the following:
 - (1) the amount of funds appropriated by the Legislature for direct training for the fiscal year.
 - (2) the number of annual eligible staff positions in all participating jurisdictions.
 - (3) the number of core eligible staff positions in all participating jurisdictions, with such positions receiving a 50% greater amount than annual eligible staff positions.
 - (4) the requirements of a prudent contingency fund.
 - (5) The allocation to each county or city will be equitable based on the number of annual and core eligible staff positions. This allocation will be announced by the Board to each participating county or city by February 15 of each year, to be effective for the following fiscal year starting July.
- (b) For purposes of calculation of available funds, no county or city shall be deemed to have less than eleven eligible staff positions.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6037, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Amendment of subsection (a) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

299. Allocation and Use of Funds Based on Training Plan.

- (a) Funds allocated to a county or city shall be based on the training plan submitted by the county or city and approved by the Board. The allocation of funds shall not exceed the amount eligible to the county or city for the fiscal year. Such funds shall be used for Board certified training. Upon application, the Board may approve use of funds for training needs assessment to meet changing conditions and local needs.
- (b) Funds can be used to pay costs associated with the training such as tuition, per diem, and travel. ~~Tuition expenses shall not exceed guidelines established in the State Administrative Manual (SAM).~~ Travel and per diem expenses shall be paid pursuant to county or city regulations.
- (c) An agency may use funds to pay the associated costs of staff who attend training on regularly scheduled time off or who replace employees attending training.
- (d) For part-time positions, allocation of funds shall be based on the number of full time equivalent positions which are filled with regular employees working half-time or more.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, 6037 and 6042, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Amendment of subsections (a) and (b) and repealer of subsection (d) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment of subsection (a) filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment of section heading and section filed 7-1-96; operative 7-31-96 (Register 96, No. 27).
5. Editorial correction of NOTE (Register 98, No.5)

300. Quarterly Disbursement of Funds.

- (a) Upon approval of the county's or city's training plan by the Board, the Board shall certify to the State Controller the amount of funds to be disbursed quarterly to the county.
- (b) The state shall disburse funds to a county or city, insofar as is practicable, in advance during the first month of each quarter.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036 and 6042, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment of subsection (b) filed 12-1-80 (Register 80, No. 49).
2. Amendment of subsection (b) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).

301. Separate Account in County or City.

Each county or city that is receiving subvention shall establish a separate account for receipt and disbursement of program funds. Such funds shall be used only to pay costs associated with Board certified training, pursuant to the training plan approved by the Board, and Section 299 of these regulations.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6041, Penal Code.

HISTORY:

1. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
2. Amendment of section heading and section filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

302. Reallocation of Funds.

The Board may periodically adjust the amount of funds to be made available for allocation to participating counties and cities based upon criteria established by the Board. Factors for consideration include the amount available in the Corrections Training Fund, the amount necessary for a prudent contingency fund, the number of counties and cities participating in the program, and other relevant considerations.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).

302.5. Special Allocation of Funds.

Notwithstanding the provisions of Section 298 and 299, in unusual circumstances such as a significant increase in eligible staff and/or substantial unanticipated training needs, the Board may allocate funds (from contingency funds) to a county or city in excess of the county's or city's regular allocation. A city or county seeking a special allocation must make a written request. Such special allocation shall be subject to availability of funds.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including new section filed 12-1-80 (Register 80, No. 49).
2. Amendment filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

303. Quarterly Report.

- (a) Within 45 calendar days after the end of each quarter, the county or city shall ~~submit verification of report~~ training completed during the quarter pursuant to the training plan.
- (b) The quarterly report shall contain information required by the Board, and shall include but not be limited to:
 - (1) The number of staff trained, certified courses completed, and hours completed.
 - (2) The total subvention expenditures for costs necessary to pay staff who attend training on regularly scheduled time off or who replace employees attending training.
 - (3) The total subvention expenditures for the entire training program.
 - (4) Significant changes, problem areas, and any other significant data or observations regarding the program or deviations from the training plan.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036 and 6041, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Amendment filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment of subsection (a) filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
4. Amendment of subsections (b)(1)-(3), repealer of subsection (b)(4), subsection renumbering and amendment of newly designated subsection (b)(4) filed 7-1-96; operative 7-31-96 (Register 96, No. 27)

304. Modification of Training Plan.

A county or city may request a modification of its training plan at any time prior to April 30 during the fiscal year in which the plan is in effect. Approval of the modification by the Board is required before a county or city may implement the modified plan. The Board shall normally notify a county or city of its decision on the modification not later than 30 days after receipt.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6041, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).

305. Unused Funds.

- (a) In no case shall a county or city retain funds, on an annual basis, in excess of 100 percent of actual costs incurred, not to exceed the amount of subvention available, in the implementation of the training plan. Any funds determined to be inappropriately or erroneously spent, including that resulting from non-compliance, as well as overpayments resulting from county or city plan modifications or other causes, shall upon written notification, be repaid to the state. Such repayment may be by county or city warrant and/or may be withheld from subsequent quarterly allocations at the discretion of the Board.
- (b) The county or city shall liquidate any outstanding financial obligation ~~within 60 days after~~ not later than August 31 following the end of the fiscal year.
- (c) Any funds not expended by a county or city pursuant to the approved training plan during the fiscal year shall revert to the state. This repayment may be made by:
 - (1) County or city warrant payable to the state within 30 calendar days of the date of notification; or
 - (2) Deduction by the Board of the amount to be repaid by the county or city from quarterly disbursement(s) in the following fiscal year by the state; or
 - (3) A combination of (1) and (2) above.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6042, Penal Code.

HISTORY:

1. Certificate of Compliance including amendment filed 12-1-80 (Register 80, No. 49).
2. Amendment of subsection (a) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
3. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).

4. Amendment of subsections (a), (c) and (c)(2) filed 7-1-96; operative 7-31-96 (register 96, No.27).

306. Annual Financial Statement.

~~Within 90 days after~~ Not later than September 30 following the end of the fiscal year, the county or city shall submit a financial statement of the total amount of subvented expenditures and revenues during the fiscal year. The report shall be submitted to the Board in a format prescribed by the Board. Any unused funds shall be repaid to the state pursuant to Section 305 of these regulations.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6042, Penal Code.

HISTORY:

1. Amendment filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

307. Maintenance of Accounting Records.

A participating county or city shall maintain adequate accounting records of subvention expenditures and revenues established according to generally accepted governmental accounting principles in sufficient detail to allow an audit.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

308. County/City Withdrawal from Program.

A County Board of Supervisors or City Council may withdraw an agency(ies) from participation in this program by written notice to the Board. Such withdrawal shall not be effective earlier than 45 calendar days following receipt of the county's or city's notice to the Board.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including repealer and new section filed 12-1-80 (Register 80, No. 49).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment of section heading and section filed 7-1-96; operative 7-31-96 (Register 96, No.27).

Article 8. Monitoring of Program Administration and Evaluation

315. Purpose of Article.

This article sets forth the methods and procedures for monitoring and evaluating this program.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Certificate of Compliance including new section filed 12-1-80 (Register 80, No. 49).

317. Records.

- (a) Each county or city participating in the Standards and Training Program shall maintain records to permit monitoring of the administration of the program. Such records shall include but need not be limited to:
 - (1) The names, job classifications, and courses, including the number of hours, attended by eligible staff during the year.
 - (2) Expenditure records of eligible staff attending training covering the following categories.
 - (A) Tuition, fees and expenses paid to training organizations and consultants.

- (B) Personnel replacement salaries and benefits.
- (C) Per diem expenses incurred by eligible staff attending training.
- (D) Travel expenses incurred by eligible staff attending training.
- (b) It is the intent of this section that these requirements not supersede normal county or city accounting procedures, but rather supplement such procedures to permit monitoring.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036 and 6044, Penal Code.

HISTORY:

1. Renumbering of former Section 320 to Section 317 filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

318. Monitoring of Program.

The Board shall monitor during each fiscal year the administration of the county or city Standards and Training Program to assess the progress and see that the program is operating in accordance with the approved application, these regulations, and the law.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036 and 6044, Penal Code.

HISTORY:

1. Renumbering and amendment of former Section 321 to Section 318 filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

319. Auditing of Records.

The state reserves the right to audit the total accounting records of counties or cities relating to the administration of the Standards and Training Program. Any improper expenditures disclosed in such audits will be recovered by the state through deductions from future quarterly allocations or repayment by the responsible county or city.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036 and 6044, Penal Code.

HISTORY:

1. Renumbering of former Section 322 to Section 319 filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19)
2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

320. Program Evaluation.

- (a) The Board shall evaluate the effectiveness of the Standards and Training of Local Corrections and Probation Officers Program.
- (b) Factors to be considered in evaluation include but are not limited to:
 - (1) Cost effectiveness of the training course;
 - (2) Development and maintenance of a file for the collection of job task analysis data;
 - (3) Job relatedness and revalidation of the training courses and standards;
 - (4) Job relatedness and revalidation of the selection standards;
 - (5) Effectiveness of the training courses taken as applied to employee capability or increased competence;
 - (6) Selection and training delivery systems.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, and 6044, Penal Code.

HISTORY:

1. Renumbering of former Section 320 to Section 317, and renumbering of former Section 323 to Section 320 filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19). For prior history, see Register 80, No. 49.

2. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment of subsection (a) and (b) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

Article 9. Appeal Procedures

350. Purpose of Article.

The appeal hearing procedures are intended to provide a review concerning the application and enforcement of standards and regulations governing the administration of the Standards and Training of Local Corrections and Probation Officers Program. A county or city may appeal on the basis of alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
2. Amendment of section heading filed 7-1-96, operative 7-31-96 (Register 96, No. 27.)

351. Definitions.

The following definitions shall apply to this article:

- (a) "Appeal hearing" means an administrative procedure providing an appellant with an opportunity to present the facts of the appeal for the formal decision concerning matters raised in Section 350 of these regulations. Such hearing may be conducted using oral and/or written testimony as specified by the Board or its Executive Director.
- (b) "Appellant" means a county or city that files a request for an appeal hearing.
- (c) "Executive Director" means the Executive Director of the Board.
- (d) "Request for appeal hearing" means a clear written document expressing dissatisfaction about a procedure or action taken, in the administration of the Standards and Training Program. This document must include a request for a hearing on the matter, filed with the Executive Director or the Board.
- (e) "Filing date" means the date a request for an appeal hearing is received by the Executive Director or the Board.
- (f) "Authorized representative" means an individual authorized by the appellant to act as his representative in any or all aspects of the hearing.
- (g) "Hearing panel" means a panel of three members of the Board who shall be selected by the Chairman at the time the appeal is filed. A fourth member may be designated as an alternate. Members designated to the hearing panel shall not work for or reside in the county or city submitting the appeal.
- (h) "Proposed decision," means a written recommendation from the hearing panel to the full Board containing a summary of facts and a recommended decision on the appeal.
- (i) "Notice of decision" means a written statement by the Executive Director or the Board which contains the formal decision of the Executive Director or the Board and the reason for that decision.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment of subsections (b) and (d) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
2. Amendment of subsection (g) filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

352. Levels of Appeal.

- (a) There are two levels of appeal as follows:
 - (1) Appeal to the Executive Director.
 - (2) Appeal to the Board
- (b) An appeal shall first be filed with the Executive Director.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment of subsection (c) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

353. Appeal to the Executive Director.

- (a) If a county or city is dissatisfied with an action of the Board staff, it may appeal the cause of the dissatisfaction to the Executive Director. Such appeal shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied.
- (b) The appeal shall be in writing and:
 - (1) State the basis for the dissatisfaction.
 - (2) State the action being requested of the Executive Director.
 - (3) Include any correspondence or other documentation related to the cause for dissatisfaction.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment of subsection (a) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
2. Amendment of subsection (a) filed 10-22-86; designated effective 7-1-87 (Register 87, No. 22).
3. Amendments of subsections (a) and (b) (3) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

354. Executive Director Appeal Procedures.

- (a) The Executive Director shall review the correspondence and related documentation and render a decision on the appeal within 30 calendar days, except in those cases where the appellant withdraws or abandons the appeal.
- (b) The procedural time requirement may be waived with the mutual consent of the appellant and the Executive Director.
- (c) The Executive Director may render a decision based on the correspondence and related documentation provided by the appellant and may consider other relevant information.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment of subsection (c) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

355. Executive Director's Decision.

The decision of the Executive Director shall be in writing and provide the rationale for the decision.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

356. Request for Appeal Hearing.

- (a) If a county or city is dissatisfied with the decision of the Executive Director, it may file a request for an appeal hearing with the Chair of the Board. Such appeal shall be filed within 30 calendar days after receipt of the Executive Director's decision.
- (b) The request shall be in writing and:
 - (1) State the basis for the dissatisfaction.
 - (2) State the action being requested of the Board.
 - (3) Include all correspondence and any information related to the appeal.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment of subsection (a) filed 5-7-82; effective thirtieth day thereafter (Register 82, No. 19).
2. Amendment of subsections (a) and (b) (3) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

357. Board of Corrections Decision.

- (a) The hearing shall be conducted by a hearing panel designated by the Chair of the Board at a reasonable time, date, and place, but not later than 30 days after the filing of the request for hearing with the Board, unless delayed for good cause. The Board shall mail or deliver to the appellant or authorized representative a written notice of the time and place of hearing not less than 7 days prior to the hearing.
- (b) The procedural time requirements may be waived with mutual consent of the appellant and the Board.
- (c) Appeal hearing matters shall be set for hearing, heard, and disposed of by a notice of decision within 60 days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued for what is determined by the hearing panel to be good cause.
- (d) An appellant may waive a personal hearing before the hearing panel and, under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information.
- (e) The hearing is not formal or judicial in nature. Pertinent and relative information, whether written or oral, will be accepted. Hearings will be tape recorded.
- (f) After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the Board at its next regular public meeting.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.

HISTORY:

1. Amendment of subsections (a)-(d) and (f) filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

358. Board of Corrections Decision.

- (a) The Board, after receiving the proposed decision, may:
 - (1) Adopt the proposed decision;
 - (2) Decide the matter on the record with or without taking additional evidence; or,
 - (3) Order a further hearing to be conducted if additional information is needed to decide the issue.
- (b) After the hearing panel's proposed decision is adopted, or an alternative decision is rendered by the Board, or notice of a new hearing ordered, notice of decision or other such actions shall be mailed or otherwise delivered by the Board to the appellant with verification of delivery.
- (c) The record of the testimony exhibits, together with all papers and requests filed in the proceedings and the hearing panel's proposed decision, shall constitute the exclusive record for decision and shall be available to the appellant at any reasonable time for one year after the date of the Board's notice of decision in the case.
- (d) The decision of the Board shall be final.

NOTE: Authority cited: Section 6035, Penal Code. Reference: Section 6036, Penal Code.